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Berta Walder, Howard Walder, Harish P. Shah, Madhavi H. Shah and Horizon Partners, LLC

Arizona Corporation Commission

DOCKETED

APR 29 2011

DOCKETED BY

[Signature]

BEFORE THE ARIZONA CORPORATION COMMISSION

In the matter of:

DOCKET NO. S-20660A-09-0107

RADICAL BUNNY, L.L.C., an Arizona
limited liability company,

HORIZON PARTNERS, L.L.C., an
Arizona limited liability company,

TOM HIRSCH (aka TOMAS N.
HIRSCH) and DIANE ROSE HIRSCH,
husband and wife;

BERTA FRIEDMAN. WALDER (aka
BUNNY WALDER, a married person,

HOWARD EVAN WALDER, a
married person,

HARISH PANNALAL SHAH and
MADHAVI H. SHAH, husband and
wife,

Respondents.

**RESPONDENT'S RESPONSE AND
OBJECTION TO POST HEARING
MOTION TO SUPPLEMENT THE
EVIDENTIARY RECORD**

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1 Respondents object the admission of the Federal Court order proposed by
2 the Division for the following reasons:

- 3 1. It is not a final, unappealed judgment.
- 4 2. It is based not on the record made in this matter, but on a record made in
5 Federal Court which cannot be presumed to be the same as the one
6 before this body.
- 7 3. Any judgment entered based on this order will be appealed so that it is
8 not entitled to a res judicata or collateral estoppel effect.
- 9 4. It is thus irrelevant to the proceedings before this body.

10
11 RESPECTFULLY SUBMITTED this 29th day of April, 2011.

12
13 **LAVELLE & LAVELLE, PLC**

14
15 By: 
16 Michael J. LaVelle

17 2525 East Camelback Road, Suite 888
18 Phoenix, Arizona 85016

19 *Attorneys for Respondents Tom Hirsch, Diane Rose Hirsch, Berta Walder,*
20 *Howard Walder, Harish P. Shah, Madhavi H. Shah and Horizon Partners,*
21 *LLC*

22 ORIGINAL and 13 COPIES filed this
23 29th day of April, 2011 with:

24 **ARIZONA CORPORATION COMMISSION**
25 Securities Division
26 1300 West Washington, Third Floor
27 Phoenix, Arizona 85007

28 COPY of the foregoing MAILED this
29th day of April, 2011 to:

1 Lyn Farmer
2 Chief Administrative Law Judge
3 **ARIZONA CORPORATION COMMISSION**
4 1200 West Washington
5 Phoenix, Arizona 85007

6 Julie Coleman
7 **ARIZONA CORPORATION COMMISSION**
8 Securities Division
9 1300 West Washington, Third Floor
10 Phoenix, Arizona 85007

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